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Sproqit Technologies, Inc.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VISTO CORPORATION

Plaintiff,

v.

SPROQIT TECHNOLOGIES, INC.

Defendant.

NO.: 04-CV-651 (EMC)

DECLARATION OF GERALD TROOIEN

GERALD TROOIEN hereby declares as follows:

1. I am the president of Sproqit Technologies, Inc., the defendant in this lawsuit.
2. The statements made in this Declaration are based on my own personal knowledge unless otherwise indicated.
3. The Sproqit technology and products, which Visto accuses of infringing its patents, were developed and brought to market at a cost of millions of dollars and years of effort.
4. Sproqit intends to fight Visto's claims of infringement and vindicate its right to make, use, offer and sell the accused technology and products. This is the current focus of Sproqit's business.

1 5. With a court ruling that the Sproqit technology and products do not infringe the Visto
2 patents, I believe that the Sproqit technology and products will be well-positioned in the market place.

3 6. Once this case is litigated to a successful conclusion Sproqit will resume commercial
4 operations, marketing its technology and products as superior solutions that are free of any claim of
5 infringement.

6 7. Sproqit will also market its technology and products as a non-infringing alternative
7 solutions to the other companies that have been accused of infringing the Visto patents.

8 8. Reflecting its intention to market and sell the accused technology and products, Sproqit
9 has retained counsel to litigate this case and pursue defenses and counterclaims asserting that Sproqit
10 does not infringe and that the Visto patents are invalid. Sproqit would not engage in the costly task of
11 defending against Visto's claim of patent infringement if Sproqit did not intend to market and sell the
12 accused technology and the accused products.

13
14 I declare under penalty of perjury, under the laws of the United States, that the foregoing is true
15 and correct.

16 Executed this 8th day of August, 2006, at St. Paul, Minnesota.

17
18 /s/ Gerald Trooien
 Gerald Trooien